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REMARKS

Claims 1-11 are currently pending in the patent application. By this amendment, dependent Claim 12 is added. No further filing fee is required for the submission of Claim 12.

In the Office Action, the Examiner has objected to the drawings, objected to the Specification, rejected Claims 1-5 and 7-11, and indicated that Claim 6 is allowable.

The Examiner has objected to the drawings for including a reference sign not mentioned in the description. By this amendment, Applicants have amended the language of the paragraph found from page 11, line 25 to page 12, line 4 to include reference to step 170 at which it is determined whether a second time period has expired. Applicants believe that the amendment addresses the Examiner's concerns regarding Fig. 2.

The Examiner has objected to the disclosure due to an informality found on page 3. Applicants submit herein an amendment to the paragraph found on page 3 from lines 3-9 to correct the typographical error found therein. Applicants

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believe that the amendment addresses the Examiner's concerns with respect to the term "on-time".

The Examiner has rejected Claim 2 as indicated by the comments found on page 3 in paragraph 6. Applicants have reviewed the claim language and the Examiner's comments and submit an amendment to the language of Claim 2 herein. Applicants believe that the amendment addresses the Examiner's confusion with the previously-submitted language.

Claims 1, 2, 4, 5, and 11 have been rejected as anticipated by Thomas. The Thomas patent publication teaches a method and apparatus for performing surveys electronically over a network. A survey is prepared by a requester and then a group of survey respondents is selected from a pool of preregistered participants to receive the survey on-line. Applicants respectfully assert that the Thomas disclosure does not anticipate the claim language since the present claims explicitly recite the steps of establishing a predetermined group before a message is received from a first member and that the first member is a member of that group. The Thomas survey requester is not a member of the Thomas group. Further, the group is determined by Thomas after the submission of the survey

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request, and is not predetermined. Clearly, therefore, the Thomas patent teachings do not anticipate the invention as claimed.

In fact, it can be concluded that Thomas teaches away from the survey requester being a member of the responding group, since Thomas does not teach or suggest that the survey requester be included in the group of survey participants but teaches that the survey requester identify desired participants (see: page 5, left column, lines 1-10). As noted by the Examiner on page 3 of the Office Action, it would bias the results of a query to have the person who generates the query also respond to the query. Accordingly, it would not be obvious, and would teach away from the invention as claimed (and render Thomas unworkable), to have Thomas include the survey requester in the group of survey participants.

Applicants also note that the claims expressly call for sending the analysis to the predetermined group, or a portion thereof. Applicants again note that, in Thomas, the survey requester is not a member of the group to which the survey is disseminated. Therefore, sending the survey

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results to the survey requester is neither the same as nor suggestive of sending the analysis to the group.

For a patent to anticipate another invention under 35 USC § 102(e), the patent must clearly teach each and every claimed feature of the anticipated invention. Since the Thomas patent publication clearly does not teach the establishing of a predetermined group as claimed, does not teach the sending of a query based on a message from a first group member to the group, and does not teach sending the analysis to the group, it cannot be maintained that the Thomas patent publication anticipates each and every claim feature. In light of the fact that the Thomas patent publication does not show each and every feature of the claimed invention, Applicants respectfully request that the rejection based on 35 USC § 102(e) be withdrawn.

Claim 7 has been rejected as unpatentable over Thomas in view of Liff. The Examiner relies on the earlier analysis of the Thomas patent publication teachings and further asserts that Liff teaches requiring group members to respond, since Liff suggests such terms for subscription. Applicants respectfully assert that even if one were to modify Thomas with the Liff subscription teachings, such

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that the Thomas survey participants would be required to respond, one would not arrive at the present invention since neither Liff nor Thomas teaches the establishing of a predetermined group as claimed, the sending of a query based on a message from a first group member to the group, or the sending of the analysis to the group, as expressly recited for Claim 7 (in Claim 1 from which it depends).

Claims 8-10 have been rejected as unpatentable over Thomas in view of Harple. The Harple reference is cited for its teachings that on-line collaborators can choose to have their input remain anonymous. Applicants respectfully assert that, even if one were to modify Thomas with Harple, such that the survey participants could remain anonymous, one would not arrive at the invention as claimed since neither Harple nor Thomas teaches the establishing of a predetermined group as claimed, the sending of a query based on a message from a first group member to the group, or the sending of the analysis to the group, as is expressly recited for Claims 8-10 (in Claim 1 from which they depend).

Claim 3 has been rejected as unpatentable over Thomas. The Examiner states that it would have been obvious to modify Thomas to include a step for the survey requester to

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review the survey prior to sending the survey to participants. Applicants note that even if such a modification were made, one would not arrive at the invention as claimed since the Thomas patent does not teach or suggest the establishing of a predetermined group as claimed, the sending of a query based on a message from a first group member to the group, or the sending of the analysis to the group.

In light of the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, reconsideration and withdrawal of the objections and rejections, and issuance of the claims.

Respectfully submitted,

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